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TOWN OF BURLINGTON, MA
BOARD OF HEALTH
Minutes of General Session
Main Meeting Room, Town Hall

TUESDAY, JULY 22, 2014 ~ 7:00 p.m.

Board Members Present: Wayne Saltsman, MD, PhD, Chairman; Libby Walendziewicz, RN, MSN, Vice-Chairman; Ed Weiner, PhD; Jim Dion; Maribeth Welch

Staff Members Present: Susan Lumenello, REHS/RS, CHMM, Director of Public Health; Christine Mathis, Environmental Engineer; Marlene Johnson, R.S.; Health Agent; Andria Nemoda, R.N., Supervising Nurse

Dr. Saltsman called the regular Board of Health (BOH) meeting to order at 7:00 followed by the Pledge of Allegiance.

Approval of Minutes:

June 24, 2014

Motion: Ms. Walendziewicz moved to postpone approval of the minutes of June 24, 2014. Seconded by Ms. Welch and approved. (5-0-0)

Citizen's Time: No one spoke.

Chairman's Report: None.

I. Applications

• 68 Wilmington Road – Definitive Subdivision

Attorney Tom Murphy, Shea, Murphy & Gulde was present representing Michael Sylvester, owner and applicant, with respect to a definitive subdivision which is also going before the Planning Board.

Ms. Mathis explained that there is an existing dwelling at this address, and the applicant is proposing to divide this address into two lots with the existing dwelling being on Lot 1 having 74,662 s.f. of land with 33.36 feet of frontage and Lot 2 having 21,070 s.f. with 70.33 of frontage. A new residential dwelling is proposed for Lot 2. The existing and new homes will share a common driveway. The Board of Appeals has approved the frontage and Conservation has applied a condition that the two homes will share a common driveway because they do not want another driveway constructed through the existing stream for the new house. Ms. Welch asked about the additional driveway on the plans and was told that it was temporarily in place for dewatering discharge during construction.

A question was asked about the hay bales on the plan, and Ms. Mathis explained that this is to assist with dewatering discharge during construction.

BOARD OF HEALTH MEMBERS:

WAYNE SALTSMAN, MD, PhD, CHAIR • LIBBY WALENDZIEWICZ, RN, MSN, VICE CHAIR • JIM DION • ED WEINER, PhD • MARIBETH WELCH

Dr. Saltsman asked about Fire and Police Department approval, and Attorney Murphy said their concerns would be addressed with the Planning Board.

Dr. Weiner asked if the stream as shown on plan will hold water all year, and Mr. Sylvester explained that it is usually only wet during spring. Dr. Weiner asked if the sewerage would be fed with a pump or by gravity, and Mr. Sylvester said it would be by gravity.

Ms. Mathis said she has no concerns and the proposed storm water management plan indicates sufficient capacity. If there are future issues, the owner would be required to come back before the BOH.

Dr. Saltsman asked Attorney Murphy if the conditions were understood, and he said they were and there were no issues.

Motion: Mr. Dion moved to approve the Application for a Definitive Subdivision for 68 Wilmington Road. Seconded by Ms. Welch and approved. (5-0-0)

II. Variance

• Del Sur, 390 Cambridge St. – External Grease Interceptor

Attorney Tom Murphy was present representing Sebastian Corbat, owner of Del Sur, who is seeking BOH approval for a variance to allow the new food service establishment to operate without installing an external grease interceptor.

Dr. Saltsman asked about a menu for this restaurant that would be serving Chilean food, and Ms. Johnson said there was no available menu. Dr. Saltsman explained that this food would produce fats, oils and grease (FOG) and asked Ms. Johnson about concerns, and she said the variance may be revoked if the establishment discharges grease in quantities sufficient to cause sewer line blockages or increased maintenance of sewer lines.

Dr. Weiner reminded the applicant of the requirement to keep logs. Attorney Murphy said he would confirm that the owner understands.

Motion: Ms. Walendziewicz moved to approve the Variance for an external grease interceptor for Del Sur, 390 Cambridge Street with conditions as listed. Seconded by Mr. Dion and approved. (5-0-0)

III. Permits

• 2 Thomas Street, Keeping of Chickens

Lena Mo, applicant, was present seeking BOH approval for a variance to keep six chickens as per the BOH Regulations Concerning the Keeping of Certain Domesticated Animals and Fowl. Ms. Lumenello said she and Gerry Mills, Animal Control Officer, visited the property on July 9, 2014. During that visit it was decided that instead of 75 feet from any building used for human habitation and 25 feet from any property line, the coop would be located 36' from the home and along her property line adjacent to Bennett Lane due to the proximity of a neighbor's house to the rear of the property. Also submitted for BOH review was the food, manure, and turf management plans.

Dr. Saltsman addressed the abutters present and each said they were against the keeping of chickens at this location. Patricia Hill, Bennett Lane, said she is a direct abutter across the street and will be looking across at the fence and coop. She has a safety concern that the chickens will draw more coyotes to the neighborhood. She is also concerned with the noise, cleanliness, smells and rodents that could potentially be created by the coop. There have been past concerns with Ms. Mo, she added, with dogs and a visit was made by the MSPCA. She does not feel it is fair to impose the coop location on her home.

Sunil Das, 3 Thomas Street said he is very concerned about coyotes and the safety of the children in the neighborhood.

Dr. Saltsman asked Ms. Lumenello about chickens attracting coyotes and rodents. She said that a number of chickens have gone missing in town, but there is no definitive cause for their disappearance. There have been no rodent concerns with the current permit holders, but care must be given with management of the pen. Dr. Saltsman asked Ms. Mo where the food would be stored and how often the pen would be cleaned. She said the food would be kept in the home and the pen would be cleaned every two weeks.

Ms. Lumenello said this is a typical timetable and added that she said she would be required to keep straw in the coop and will be storing manure in cans for her gardens. In winter she said the manure would be placed in the trash.

Dr. Saltsman asked about the previous animal issue, and Ms. Mo replied that there were complaints about her dogs barking when she was away from the property, but she tried her best. She does not currently have dogs.

Dr. Weiner said he had never seen this many people present to state their concern for the keeping of chickens and recommended she start with three chickens, which does not require a permit, and if there are no issues, then she could come back before the BOH in six months to request another three. Dr. Saltsman agreed with this recommendation. Ms. Lumenello added that three chickens does not require a permit and therefore no inspections by the BOH, but the abutters may contact the office to leave any concerns that arise. The BOH agreed to take the current concerns of the abutters under advisement.

Motion: Dr. Weiner moved to continue the discussion for the Keeping of Chickens at 2 Thomas Street and after six months, if there have been no issues with the keeping of three chickens, the applicant may return to request three more chickens. Seconded by Mr. Dion and approved. (5-0-0)

IV. Discussion

• BOH Procedure for Planning Board Recommendations

Dr. Saltsman reviewed the current procedures of applicants coming before the BOH prior to appearing before the Planning Board. It appears that when applicants are coming before the BOH for approval or a recommendation, there are times when BOH staff has received information from the applicants right before the BOH meetings, and the BOH members and staff have not had sufficient time to review all the information.

Ms. Lumenello explained that at times the Planning Board gives the BOH staff a deadline, usually a week prior to their next meeting, so the staff moves forward with their requests. But in many instances, the applications are continued by the Planning Board.

For the safety of the community, it was agreed that applicants should be prepared for a postponement or continuance to allow the BOH more time for consideration, and when a complicated application is received, the necessary steps will be taken to get the answers required prior to BOH approval. Ms. Lumenello said that the Planning Board would need to be notified of this decision. Dr. Saltsman said he would have a discussion with the Planning Board Chair.

Ms. Lumenello also explained that subdivisions require a response from the BOH within 45 days, and a letter of approval would be received from the Planning Board stating they approve with the extended period of time.

Ms. Lumenello recommended a written procedure be created for Planning Document Review, but the Board was in agreement that a written procedure is not necessary.

Ms. Welch added that if required or requested information does not arrive until the day of the meeting, the application should be continued automatically to allow for time for review.

At the conclusion of the discussion, all the BOH members agreed with the recommendations.

V. Staff Reports

• Supervising Nurse's Report

An update was provided on the state numbers for flu vaccines for the 2014-2015 Influenza Vaccine Allocation. 60 doses of Quadrivalent FluMist will be received as well as 160 doses of Quadrivalent vaccine for a total of 220 state doses and there will be 500 private doses. Health Departments can use state-supplied flu vaccine for adult patients regardless of insurance status.

At the previous meeting, sun safety and extreme heat was reviewed and more information has been placed on the town website on these issues.

Dr. Weiner recommended discussing at the next meeting any potential new department programs to offer the community in 2015 for public health initiatives.

Motion: Dr. Weiner moved to approve the Supervising Nurse's Report as submitted. Seconded by Ms. Walendziewicz and approved. (5-0-0)

• Health Agent's Report

Dr. Weiner asked about a store operating a frozen dessert machine for which they did not have a permit. A cease and desist was placed on the use of this machine until a permit was received. The business took the request of the BOH very seriously.

Motion: Ms. Walendziewicz moved to approve the Health Agent's report as submitted. Seconded by Dr. Weiner and approved. (5-0-0)

• Environmental Engineer's Report

The Mass DPH Arbovirus Surveillance Program Report announced that the mosquito population is relatively low. Dr. Weiner noted there was one case of West Nile Virus in Massachusetts.

Dr. Weiner thanked Ms. Mathis for the environmental updates and noted the use of insitu chemical oxidation with monitored natural attenuation.

Dr. Saltsman asked if there were any concerns with demolition at the Mercedes Benz construction site. Ms. Mathis explained the recent discovery of records of an underground storage tank which was removed in the past. They are currently following the approved sampling protocol. Ground water samples came out clean. There are three underground structures that have been recently discovered, and she has been present at the site to confirm they are sampling appropriately. The project is allowed to continue, and they marked the areas that are under investigation.

Motion: Mr. Dion moved to approve the Environmental Engineer's Report as submitted. Seconded by Ms. Walendziewicz and approved. (5-0-0)

• Director of Public Health's Report

There is current grant application process with Youth and Family Services and the Council on Aging for hoarding resources.

A grant has been submitted for the receipt of \$500 from DPH to cover medical sharps. The container program is going well with containers being picked up regularly.

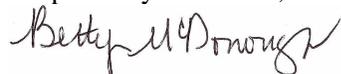
Dr. Saltsman commented on the co-sponsoring of Lahey Clinic program and the World Peace Organization to fund a farmers market program with fresh fruits and vegetables provided for 150 seniors in the community. He is hopeful it will be publicized by local media.

Ms. Lumenello and Ms. Nemoda attended a Mass. Department of Public Health's emergency preparedness training and exercise program. Ms. Lumenello said she agreed to become part of a DPH working group for updating names, addresses, and personal health information used during the distribution of medication in a public health emergency.

Motion: Dr. Weiner moved to accept the Director of Public Health's report as submitted. Seconded by Ms. Walendziewicz and approved. (5-0-0)

Adjourn: Motion: Ms. Walendziewicz moved to adjourn at 8:10 p.m. Seconded by Dr. Weiner and approved. (5-0-0)

Respectfully submitted,



Betty McDonough, Recording Clerk